

CERTIFICATE OF MAILING BY U.S. FIRST CLASS MAIL

I hereby certify that this correspondence, along with accompanying documents, pursuant to 37 C.F.R. §1.8, are being deposited as U.S. First Class Mail this date with the United States Postal Service in an envelope addressed to E. Rollins-Cross, Director, Technology Center 3700, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date:

March 17, 2004

By:

Kim L. Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-- PATENT --

Serial No.: 09/008,148

Filed:

January 16, 1998

Inventor: Clinton O. Fruitman

Atty. Docket No.: 29131.0217

Title: **METHODS AND APPARATUS FOR THE CHEMICAL MECHANICAL
PLANARIZATION OF ELECTRONIC DEVICES**

RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT

E. Rollins-Cross, Director
Technology Center 3700
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In accordance with 37 CFR 1.181(a) and MPEP 711.03(c)(II), Applicant hereby respectfully petitions to have the Notice of Abandonment dated November 13, 2003 withdrawn as Applicant did not, and has not, received the Notice of Allowance. On April 21, 2003, the Examiner mailed out a Notice of Allowability (attached hereto as Exhibit A) requesting that corrected drawings be submitted for the above-captioned patent application. The Notice of Allowability also stated that "If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course." Upon the receipt of Notice of Allowability, the docketing clerk noted the receipt of the Notice of Allowability at the bottom of the page along with all due dates for items remaining outstanding. As seen in Exhibit A, the items noted with upcoming due dates set forth by the docketing clerk include: 312 Amendment due 5/12/03, formal drawings due 7/21/03, and a check for related applications and review of formal drawings due 6/21/03. No notation of the payment of the issue fee and due date were noted because no Notice of Allowance was included.

RECEIVED
MAR 24 2004
TECHNOLOGY CENTER R3700

On June 6, 2003, corrected formal drawings (attached hereto as Exhibit B) were faxed and mailed to the United States Patent and Trademark Office. After receiving a phone call from the Examiner on June 19, 2003, an abstract (attached hereto as Exhibit C) was faxed to the Examiner at her request. On August 20, 2003, a Status Inquiry (attached hereto as Exhibit D) was sent to check on the status of the application as a Notice of Allowance had still not been received. No response to this Status Inquiry was ever received.

A printed copy of a page from Applicants docketing software (attached hereto as Exhibit E) is also attached. As can be seen in Exhibit E, no item under the description heading shows that an issue fee is due in the instant case. Applicant therefore respectfully requests that the Notice of Abandonment be withdrawn and a new Notice of Allowance be issued and forwarded to our office with the full statutory time period in which to respond provided.

Should the Commissioner's office or the Examiner in this matter wish to discuss this petition, please contact the undersigned at (602) 382-6377.

Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: _____

3/17/04

By: _____

Laura J. Zeman
Laura J. Zeman
Reg. No. 36,078

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
TEL (602) 382-6377
FAX (602) 382-6070



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/008,148 | 01/16/1998 | CLINTON O. FRUITMAN | 29131.0217 | 5868 |

LSZ 7590 04/21/2003
SNELL 7 WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 850040001



EXAMINER

MORGAN, EILEEN P

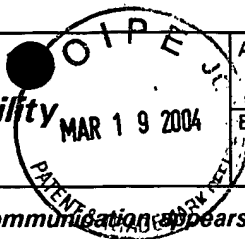
ART UNIT PAPER NUMBER

3723

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability



Application No. 09/008,148

Applicant(s)

Fruitman

Examiner

Morgan

Art Unit

3723



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

RECEIVED

1. ☒ This communication is responsive to Decision by Board on 2-28-02

2. ☒ The allowed claim(s) is/are 4-10

APR 28 2003

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

SNELL & WILMER

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a) ☐ The translation of the foreign language provisional application has been received.

6. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☒ CORRECTED DRAWINGS must be submitted.

(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☒ to Paper No. 5

(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.

(c) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Drawing Review Branch

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 ☐ Notice of References Cited (PTO-892)

3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5 ☐ Information Disclosure Statement(s) (PTO-1449), Paper No(s) _____

7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

9 ☐ Other

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☐ Interview Summary (PTO-413), Paper No. _____

6 ☐ Examiner's Amendment/Comment

8 ☐ Examiner's Statement of Reasons for Allowance

MORGAN
PRIMARY EXAMINER
ART UNIT 3723

Snell & Wilmer

L.L.P.
LAW OFFICES

One Arizona Center
Phoenix, Arizona 85004-2202
(602) 382-6000
Fax: (602) 382-6070
www.swlaw.com



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TUCSON, ARIZONA

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DENVER, COLORADO

LAS VEGAS, NEVADA

FACSIMILE TRANSMISSION

DATE: June 6, 2003

TIME IN: 1229h
TIME OUT: 1234

TO:

| Name | Fax Number | Phone Number |
|---|----------------|--------------|
| Eileen P. Morgan USPTO - Art Unit 3723 | (703) 305-3579 | |

FROM: Laura Zeman

PHONE: 602-382-6377

RE: Serial No. 09/008,148

MESSAGE:

Please see attached copy of Transmittal of Formal Drawings.

ORIGINAL DOCUMENT: Will be sent NUMBER OF PAGES (Including Cover): 7

CONFIRMATION NO.: CLIENT MATTER NO.: 29131.0217

PLEASE RETURN TO: Kim Wilson 16S21 PERSONAL FAX: No

REQUESTOR: Laura Zeman DIRECT LINE: 602-382-6377

IF YOU HAVE NOT PROPERLY RECEIVED THIS TELECOPY, PLEASE CALL US AT (602) 382-6075.
OUR FACSIMILE NUMBER IS (602) 382-6070.

Exhibit B

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that the below-identified **Transmittal of Formal Drawings** is being deposited as First Class Mail on this date with the United States Postal Service in an envelope addressed to Official Draftsperson, Drawing Review Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and a copy is being faxed to Examiner Eileen Morgan at (703) 305-3579.

Date: 6/6/03

By: Kim L. Wilson
Signature of Person Depositing as First Class Mail

PATENT

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

| | | | |
|--------------|---------------------|---------------------|------------------|
| Applicant: | Clinton O. Fruitman | Docket No.: | 29131.0217 |
| Serial No.: | 09/008,148 | Group Art Unit No.: | 3723 |
| Filing Date: | January 16, 1998 | Examiner: | Eileen P. Morgan |

Confirmation No.: 5868

Title: METHOD AND APPARATUS FOR THE CHEMICAL MECHANICAL
PLANARIZATION OF ELECTRONIC DEVICES

TRANSMITTAL OF FORMAL DRAWINGS

Official Draftsperson
Drawing Review Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In accordance with 37 C.F.R. §1.85(c), Applicant encloses herewith 5 sheets of formal drawings (Figures 1-5B) as required in connection with the Notice of Allowability mailed April 21, 2003, in the above-identified patent application.

If there are any questions regarding the enclosed drawings, the undersigned requests the courtesy of a telephone call at the number shown below.

Respectfully submitted,

Date: 6/6/03

By: Laura J. Zeman
Laura J. Zeman, Reg. No. 36,078

Snell & Wilmer L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
(602) 382-6377
(602) 382-6070 - Facsimile

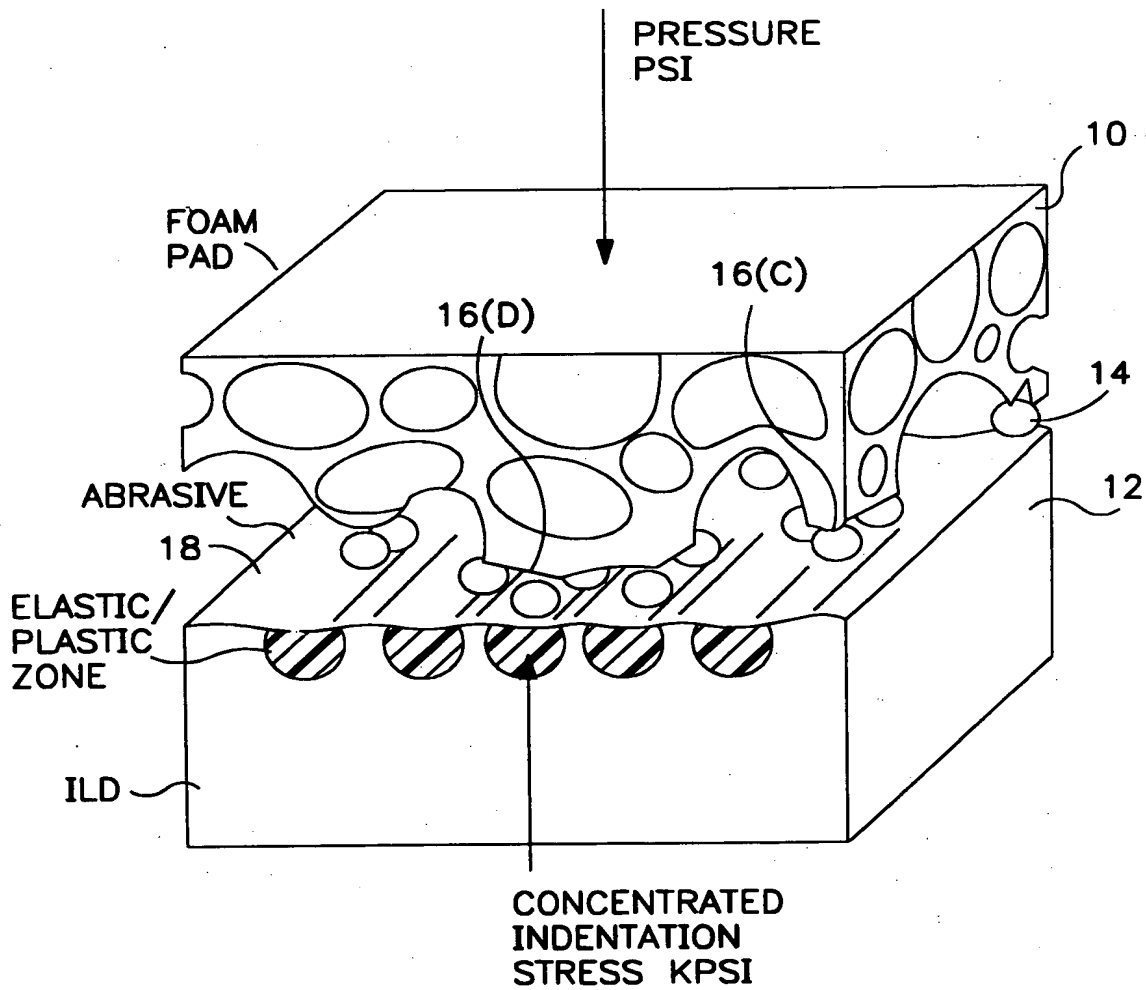


FIG. 1

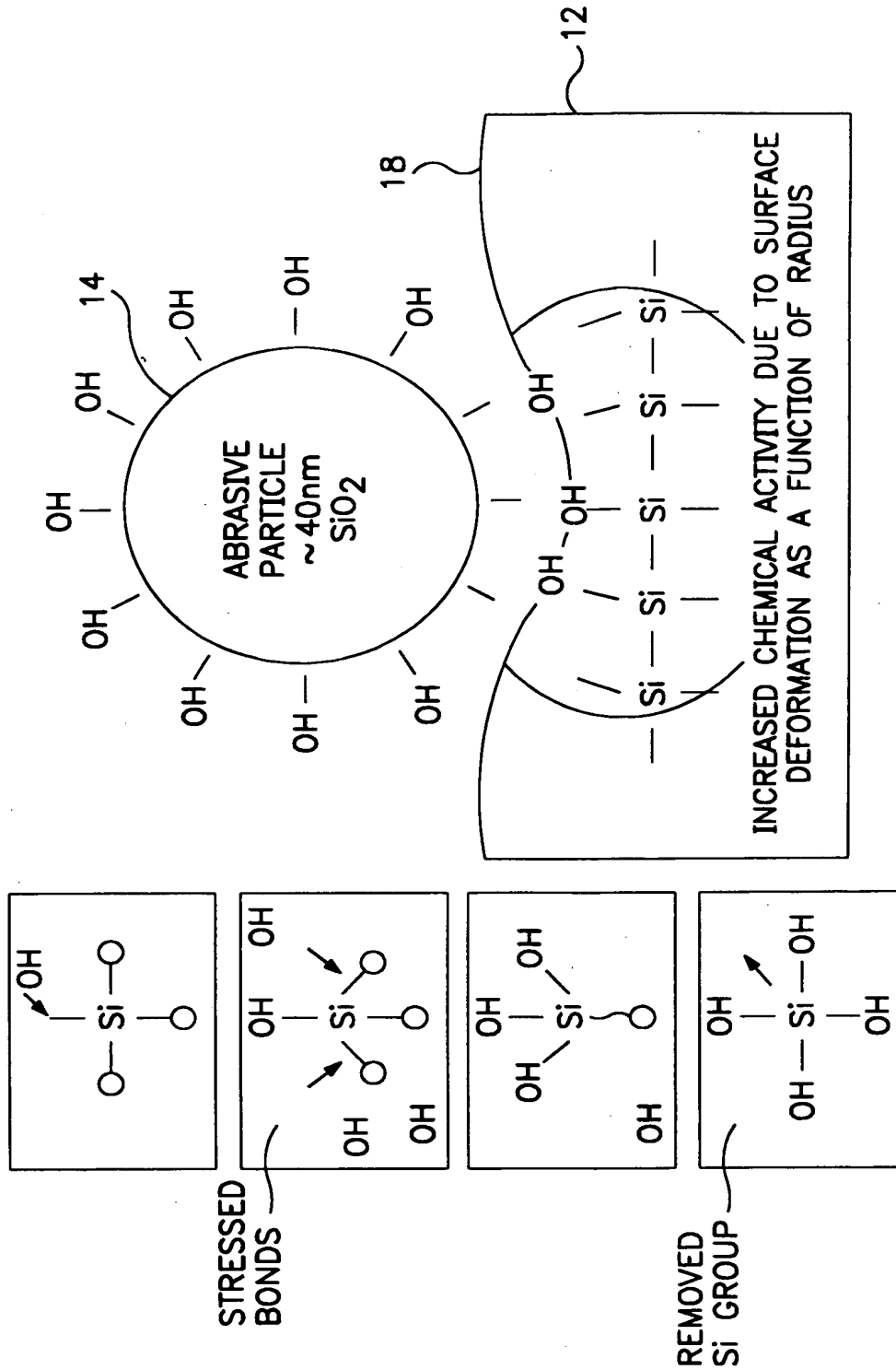


FIG. 2

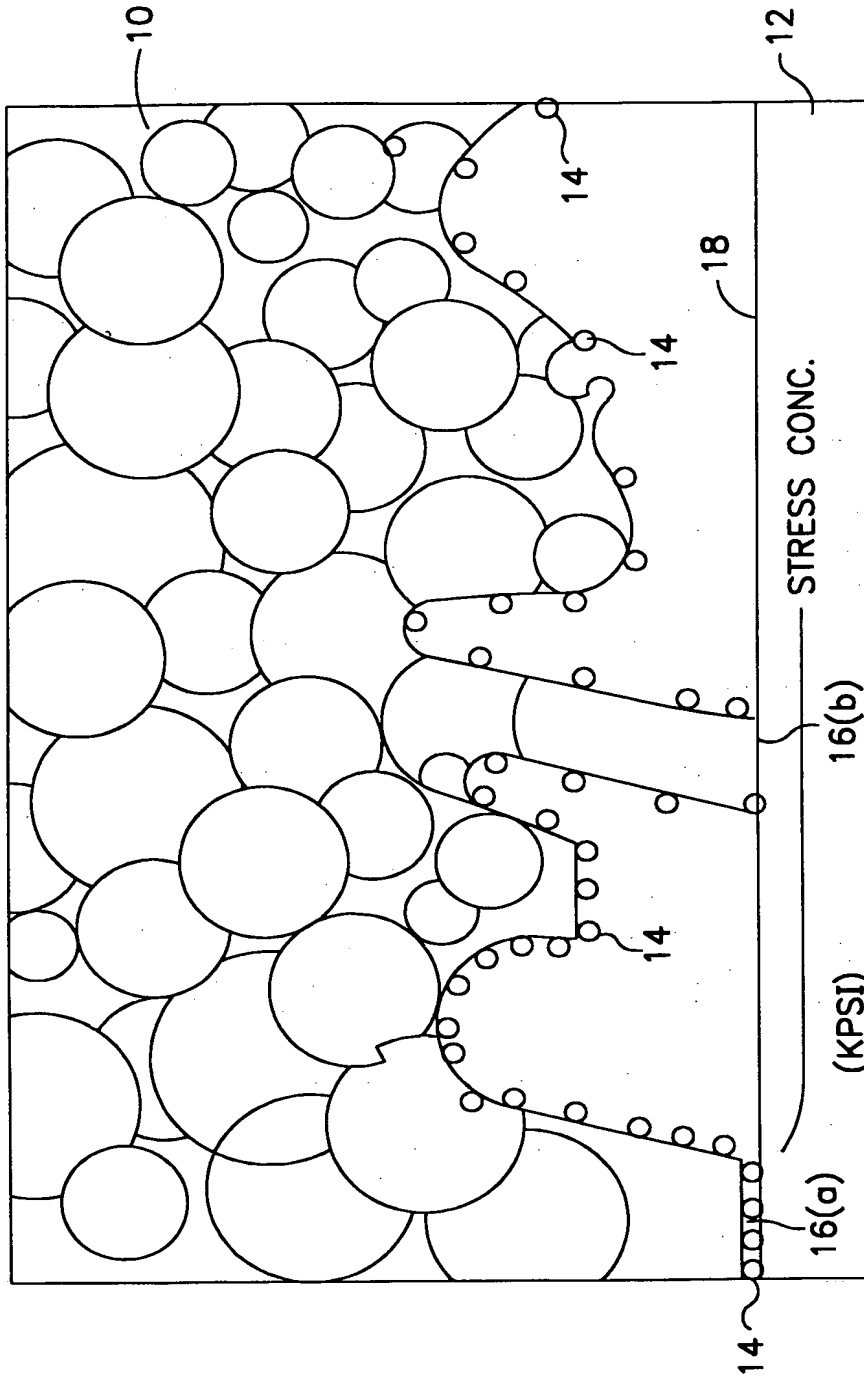


FIG. 3

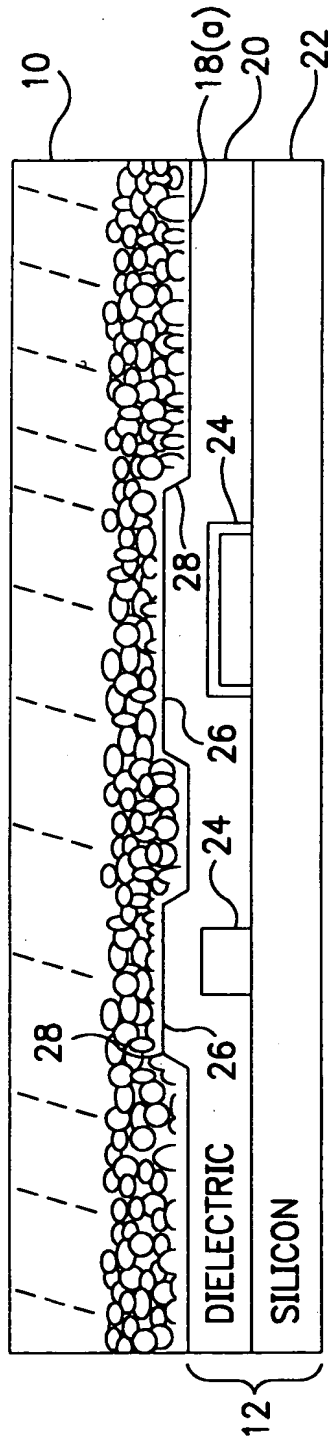


FIG. 4A

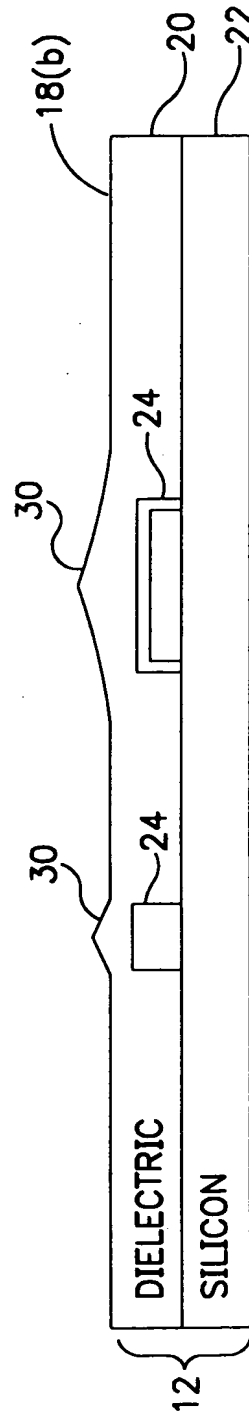


FIG. 4B

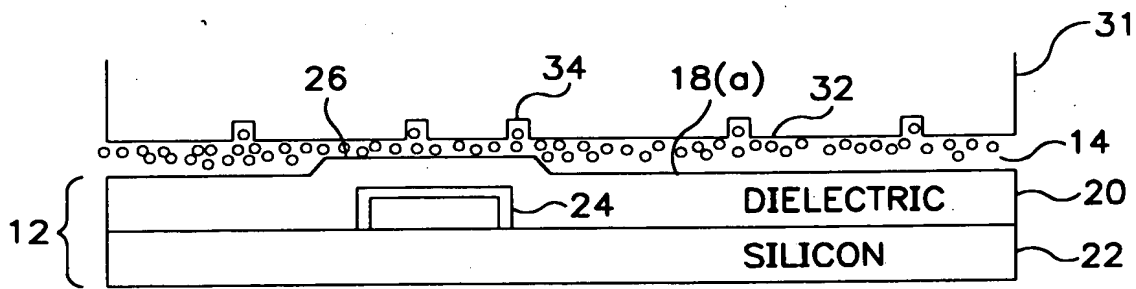


FIG. 5A

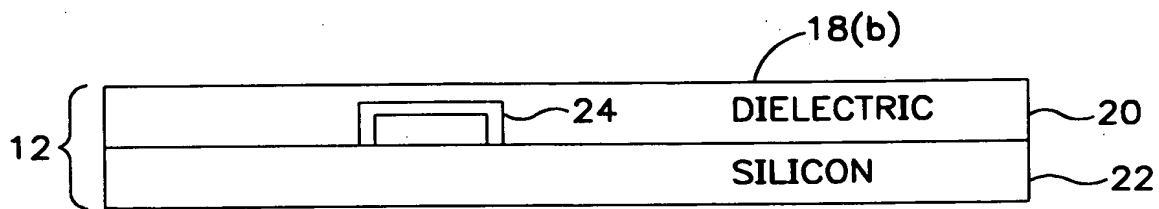


FIG. 5B

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DENVER, COLORADO
LAS VEGAS, NEVADA

FACSIMILE TRANSMISSION

DATE: June 19, 2003

TIME IN: C 1034
TIME OUT: C 1044

| TO: | Name | Fax Number | Phone Number |
|-----|--|---------------|--------------|
| | Eileen Morgan USPTO - Art Unit 3723 | (703)308-6642 | |

FROM: Laura Zeman

PHONE: 602-382-6377

RE: Serial No. 09/008,148

MESSAGE:

Per your request, please see attached abstract.

ORIGINAL DOCUMENT: Will not be sent
CONFIRMATION NO.:
PLEASE RETURN TO: Kim Wilson 16S21
REQUESTOR: Laura Zeman
NUMBER OF PAGES (including Cover): 2
CLIENT MATTER NO.: 28131.0217
PERSONAL FAX: No
DIRECT LINE: 602-382-6377

IF YOU HAVE NOT PROPERLY RECEIVED THIS TELECOPY, PLEASE CALL US AT (602) 382-6075.
OUR FACSIMILE NUMBER IS (602) 382-6070.

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Abstract

Method and apparatus for chemically and mechanically planarizing the surface of a silicon wafer which includes a compressible non-cellular lapping surface and a slurry disposed between the wafer and the lapping surface.

THE U.S. PATENT AND TRADEMARK OFFICE OFFICIAL MAIL
ROOM STAMP AFFIXED HERETO ACKNOWLEDGES RECEIPT
OF THE ITEMS CHECKED BELOW:

Serial No.: 09/008,148

Applicant: Clinton O. Fruitman

Filing Date: January 16, 1998

Title/Mark: M&A for the Chemical Mechanical
Planarization of Electronic Devices

- ☐ Patent Application
 Pages in Spec. _____ No of Claims
 (F) _____ (INF.)
☐ Drawing Sheets: _____
☐ Check \$ _____ No.: _____
☐ Power of Attorney
☐ Extension of Time (duplicate)
☐ Preliminary Amendment
☐ Amendment
☐ Amendment after FINAL Rejection
☐ Issue Fee (Base and/or Balance)
☐ Response to _____
☐ Assignment, Coversheet and Fee
☐ Declaration
☐ Information Disclosure Statement & Form 1449

☒ Status Inquiry
☒ Marked items placed in First Class Mail on

August 20, 2003
☐ Marked items filed via Express Mail No.

NOTED FOR RECEIPT on _____

S&W Docket No.: 29131.0217 Atty: LJZ



CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that the below-identified Status Inquiry is being deposited as First Class Mail on this date with the United States Postal Service in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 20, 2003

By: Kim L. Wilson
Signature of Person Depositing as First Class Mail

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

-- PATENT --

| | | | |
|-------------|--|--------------|---------------------|
| Applicant: | Clinton O. Fruitman | Docket No.: | 29131.0217 |
| Serial No.: | 09/008,148 | Filing Date: | January 16, 1998 |
| Title: | METHODS AND APPARATUS FOR THE CHEMICAL MECHANICAL PLANARIZATION OF ELECTRONIC DEVICES | Examiner: | Eileen P. Morgan |

STATUS INQUIRY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Commissioner:

Kindly advise the undersigned of the present status of this application. On April 21, 2003, the Examiner mailed out a Notice of Allowability requesting that corrected drawings be submitted for the above-captioned patent application. On June 6, 2003, corrected formal drawings were faxed and mailed to the United States Patent and Trademark Office. After receiving a phone call from the Examiner on June 19, 2003, an abstract was faxed to the Examiner at her request. Since that time, the undersigned has heard nothing further regarding the status of this application and has not received a Notice of Allowance. A self-addressed, postage paid return envelope is provided for your reply.

Dated: August 20, 2003

Respectfully submitted,

By: Laura J. Zeman
Laura J. Zeman
Reg. No. 36,078

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202
Telephone: (602) 382-6377
Facsimile: (602) 382-6070
1395553.1

| | | | | | | | |
|--|------------|---------------------------------|----------|-------------------------|--------|-----------|--|
| C:\WINNT\system32\cmd.exe | | | | DOCKET CALENDAR DISPLAY | | FIRM: 020 | |
| D.KFGL | | | | | | | |
| C'LIENT T'ASK CODE I'D G'ROUP E'MPL: C | | | | DATED FROM: | | | |
| CLIENT ID: 29131 NOVELLUS | | | | <RETURN> FOR ALL | | | |
| MATTER ID: 0217 US PAT M84 CHEM PLAN OF ELEC01 | | | | | | | |
| NO | CL/MATTER | DESCRIPTION | DUE | COMPLETE | TASK | RECORD | |
| 1. | 29131.0217 | APPLICATION FILED | 01/16/98 | 01/16/98 | APFILE | 22062 | |
| 2. | 29131.0217 | PRELIMINARY AMENDMENT DUE (3MO) | 05/16/98 | 05/14/98 | PAMEND | 22065 | |
| 3. | 29131.0217 | RESPONSE TO OA DUE (4 MO.) | 11/09/98 | 10/09/98 | ROA4MO | 26044 | |
| 4. | 29131.0217 | Prepare client letter re: forei | 11/10/98 | 10/20/98 | PREP | 24973 | |
| 5. | 29131.0217 | RESPONSE TO FINAL OA DUE (2 MO. | 03/05/99 | 03/04/99 | FOR2MO | 31170 | |
| 6. | 29131.0217 | APPEAL BRIEF DUE | 06/04/99 | 07/01/99 | APPBRF | 32795 | |
| 7. | 29131.0217 | awaiting examiner's answer to a | 11/08/99 | 10/08/99 | MISC | 37174 | |
| 8. | 29131.0217 | REPLY BRIEF TO EXAMINER'S ANSWE | 12/01/99 | 12/01/99 | MISC | 40513 | |
| 9. | 29131.0217 | awaiting examiner's decision on | 09/27/01 | 03/07/02 | MISC | 45596 | |
| 10. | 29131.0217 | FORMAL DRAWINGS SUBMITTED 6/6/0 | 07/21/03 | | ISSFOR | 99894 | |
| 11. | 29131.0217 | FILE PETITION TO REVIVE APPLICA | 01/13/04 | 01/13/04 | REVIVE | 100906 | |
| 12. | 29131.0217 | LD FILE RENEWED PETITION FOR WI | 05/02/04 | | MISC | 112885 | |
| E'ND OR LINE NO: 11 | | | | <RETURN> TO CONTINUE | | <NO MORE> | |
| ARROW TO SELECT - <PgUp> & <PgDn> OR <ESC> | | | | E 2 00000 00022.000 | | | |